

	Producers with insurance or NAP coverage		Producers without insurance or NAP coverage	
	Plasticulture	Other than plasticulture	Plasticulture	Other than plasticulture
Tier I .....	\$3,750	\$1,125	\$3,560	\$1,070
Tier II .....	2,500	750	2,375	710
Tier III .....	1,500	450	1,425	425
Tier IV .....	250	75	235	70

(b) The percentage of the payment for fruit and vegetable crops that are subject to the payment limitation and AGI provisions are:

Tier I—94.6667 percent  
Tier II—94 percent  
Tier III—93.3333 percent  
Tier IV—0 percent

(c) The percentage of the payment for fruit and vegetable crops that are not subject to the payment limitation and AGI provisions are:

Tier I—5.3333 percent  
Tier II—6 percent  
Tier III—6.6667 percent  
Tier IV—0 percent

(d) In addition to the prohibition in § 1416.6(g) a producer may not receive duplicate benefits under this subpart and subpart H of this part, the 2005 Hurricanes Tree Assistance Program.

#### § 1416.405 Availability of funds.

(a) In the event that the total amount of eligible claims submitted by eligible fruit and vegetable producers under this subpart and subparts D, F, and G exceeds \$95 million, each payment to an eligible fruit and vegetable producer shall be reduced by a uniform national percentage, as determined by CCC.

(b) Such payment reduction shall be applied after imposition of applicable per person payment limitation as provided in § 1416.6.

### Subpart F—Tropical Fruit Disaster Program

#### § 1416.500 Applicability.

This subpart sets forth the terms and conditions applicable to the Tropical Fruit Disaster Program.

#### § 1416.501 Definitions.

*Tropical Fruit* means carambola, longan, lychee, and mangos for disaster program purposes.

#### § 1416.502 Eligibility requirements.

(a) Eligible Tropical Fruit producers must have incurred 50 percent or greater loss in commercial production.

(b) Only those acres of the four eligible fruits located in Tier I or II as designated under § 1416.2 shall be considered for payment under this subpart.

#### § 1416.503 Application process.

(a) Producers wishing to receive benefits must submit a completed application and report of acreage identifying the geographic location and number of acres in the disaster-affected area to their local FSA Service Center at the time an application for payment is being filed as provided in § 1416.5. Applications will not be accepted after such date as announced by FSA. Applications for assistance are available at local FSA Service Centers.

(b) Applicants must certify and provide adequate proof that the losses and expenses incurred to eligible tropical fruit crops were a direct result of the applicable disaster, as set forth in § 1416.2.

#### § 1416.504 Payment calculation.

(a) Payments are calculated by multiplying the number of affected acres by the payment rate times the producer's share of the crop. The payment rate for insured or NAP covered tropical fruit is a flat rate of \$5000 per acre. The rate for uninsured or acreage without NAP coverage is \$4750 per acre. The total payment is subject to the limitations in § 1416.6.

(b) In addition to the prohibition in § 1416.6(g), producers cannot receive duplicate benefits under this subpart and